

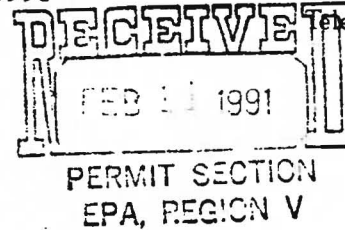


INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

February 8, 1991

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317/232-8603

Mr. Dale Bryson, Director
Division of Water (5WQ - TUB 08)
U.S. EPA Region 5
230 South Dearborn Street
Chicago, Illinois 60604



Re: Application for Delegation
of General Permits Program

Dear Dale:

Enclosed for your approval is Indiana's application for delegation of the general permits program. As you know, our draft application was submitted in April of this year. This submittal includes the following:

1. Description of Indiana's General permit program.
2. Three copies of signed Modification of Memorandum of Agreement (revised as per EPA comments of September 1990).
3. Original signed Attorney General's statement regarding Indiana's statutory authority to issue general permits. As per EPA comments of September, 1990, we have requested a revised statement from the Indiana Attorney General regarding regulatory authority.
4. Supporting documents, including copies of Indiana statutory and regulatory authority to issue general permits.
5. Example general permit and fact sheet for coal mines draft.

If you have any questions or comments on this material, please call Mr. Mark Stanifer of my staff at 317/232-8704.

Sincerely,

David P. Nelsen
Assistant Commissioner
Office of Water Management

MWS/dj

AMENDMENT
TO THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MEMORANDUM OF AGREEMENT
BETWEEN
THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AND THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 5

The Memorandum of Agreement between the United States Environmental Protection Agency, Region 5 (hereinafter EPA) and the Indiana Department of Environmental Management (hereinafter IDEM) is hereby amended to include IDEM and EPA responsibilities for the development, issuance and enforcement of National Pollutant Discharge Elimination System (hereinafter NPDES) general permits as follows:

The IDEM has the responsibility for developing and issuing NPDES general permits. After identifying dischargers appropriately regulated by a general permit, the IDEM will collect sufficient effluent data to develop effluent limitations and prepare the draft general permit.

Each draft general permit will be accompanied by a fact sheet setting forth the principal facts and methodologies considered during permit development and will be transmitted to the following EPA offices:

Water Management Division Director
U.S. EPA, Region 5
5WQ
230 South Dearborn Street
Chicago, Illinois 60604
and

Director, Office of Water Enforcement and Permits*
U.S. EPA (EN-335)
401 M Street SW
Washington, D.C. 20460

EPA will have up to ninety (90) days from receipt to review draft general permits and provide general comments, recommendations and objections to the IDEM. In the event EPA does object to a general permit, it will provide, in writing, the reasons for its objection and the actions necessary to eliminate the objection. The State has the right to a public hearing on the objection in accordance with 40 CFR 123.44 and Part III of the MOA. Upon receipt of EPA's objection, the State may request a public hearing. If EPA's concerns are not satisfied and the State has not sought a hearing within 90 days of the objection, exclusive authority to issue the general permit passes to EPA.

* General permits for discharges from separate storm sewers need not be sent to EPA Headquarters for review.

All general permits will be public noticed in accordance with 327 IAC 5-3-12 and 40 CFR 124.10, including publication in a daily or weekly newspaper circulated in the area to be covered by the permit. General permits will also be published in the Indiana Register. The IDEM will issue and administer NPDES general permits in accordance with 327 IAC 5, Rules 1-10 and 40 CFR 122.28.

The IDEM also has the primary responsibility for conducting compliance monitoring activities and enforcing conditions and requirements of general permits.

All specific State commitments regarding the issuance and enforcement of general permits will be determined through the annual 106 workplan/SEA process.

This Amendment to the Memorandum of Agreement will be effective upon approval of the IDEM general permits program application by the Regional Administrator of EPA Region 5.

FOR IDEM:

Commissioner

(Date)

FOR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

Regional Administrator
U.S. EPA, Region 5

(Date)